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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CONTEMPT PETITION NO. 260 OF 2004

Smt Dhanamma S.Tirgule ... Petitioner
vs
Smt Subhadra S.Bhosale ... Respondent
..
Mr.S.G.Kudle forPetitioner
Mr.G.S.Godbole for Respondent.
CORAM : D.G.KARNIK, J
DATE: 5TH AUGUST, 2004.

P.C.

1. By this petition, the petitioner alleges that the respondents have committed contempt of Court by disobeying the order passed by the Division Bench of this Court on 30th April, 2004 in Writ Petition No. 3674 of 2004.

2. By an order dated 30th April, 2004 a notice before admission was issued by the Division Bench of ths Court in Writ Petition No.3674 of 2004. Pending service of the notice, it was directed that services of the petitioner should not be terminated. Paragraph 5 of the order dated 30th April, 2004 which is alleged to be breached reads as under :

.SP1

" Meanwhile service of the petitioner will not be terminated."

.SP2

3. A perusal of the order dated 30th April, 2004 makes it clear that the respondent no. 1 who is alleged to have committed contempt was not present when the said order was passed and therefore notice was issued to her alongwith other respondents. Immediately on becoming aware of the order passed by this Court, the respondent no. 1 wrote a letter to the petitioner on 4th June, 2004 (Exhibit C to the Contempt Petition), informing him that in pursuance of an order passed by the Division Bench of this Court, the petitioner's appointment was continued from 11th May, 2004 to 30th May, 2005. The petitioner apprehends that this letter dated 4th June, 2004 would be treated as a fresh appointment of the petitioner with effect from 11th May, 2004. When this petition came up for hearing on admission on the last date, learned counsel for the respondent no. 1 stated that the respondent no. 1 had no intention of treating that the petitioner was re-appointed with effect from 11th May, 2004 and if the letter dated 4th June, 2004

seeks to convey that meaning, it would be rectified and a fresh letter would be issued to the petitioner.

4. Today, the respondent no. 1 has filed on record additional affidavit annexing thereto copy of the fresh letter dated 31st July, 2004 issued to the petitioner. In the said letter, it is clarified that the appointment of the petitioner made earlier was in accordance with the interim order passed by the Division Bench of this Court on 30th April, 2004 and the petitioners appointment has been continued subject to further orders that may be passed by the Court.

5. Learned counsel for the respondent no.1. states that the appointment of the petitioner is being treated as continuous on old terms as if his services were not terminated and continuation is on the same terms on which the petitioner was employed prior to 31st April, 2004. The statement made by the learned counsel is recorded and accepted. It is clear that the respondent no. 1 had no intention to commit breach of the order of the Court and has obeyed the interim order. Hence, no case for taking action for contempt is made out against the respondent no.1.

6. Respondent no. 2 is the Administrative Officer of Nagar Palika School Board. He is not the employer nor has he terminated the services of the petitioner. As such, no case for contempt is made out against him.

7. No contempt is alleged against the respondent nos.3 and 4 in the petition.

In the circumstances, Contempt Petition is dismissed.

8. Authenticated copy allowed.